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SENATE

REPORT
99-357

DESIGNATING THE WEST BRANCH OF THE FARMINGTON RIVER IN THE STATES OF CONNECTICUT AND MASSACHUSETTS AS A WILD AND SCENIC RIVER

AUGUST 1 (legislative day, JULY 28), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

ORIGINAL

[To accompany S. 1946]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1946) to designate the West Branch of the Farmington River as a study area for inclusion in the national wild and scenic rivers system, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

On page 1, after line 5, strike all and insert in lieu thereof the following:

SEC. 2(a) Congress finds that—

(1) The West Branch of the Farmington River and related land areas possess resource values of national significance, such as significant white water rapids, undeveloped lands, scenic and cultural areas, important sport fisheries, and prime agricultural lands.

(2) Based on the National Rivers Inventory by the National Park Service, published in January 1982, this portion of the Farmington River is eligible for study for inclusion in the wild and scenic rivers system.

(3) There is strong support among local, State, and Federal officials, area residents, and river users for a concerted cooperative effort to manage the river in a productive and meaningful way.

(4) In view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the State of Connecticut and the Commonwealth of Massachusetts and the appropriate local governments in managing the river.

(b) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph:

"( ) FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS.—The segment from the intersection of the New Hartford-Canton, Connecticut, town line up-

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stream to the base of the West Branch Reservoir in Hartland, Connecticut; and the segment from the confluence with Thorp Brook in Sandisfield, Massachusetts, to Hayden Pond in Otis, Massachusetts.".

(c) Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

"(7) The study of the West Branch of the Farmington River identified in paragraph ( ) of subsection (a) shall be completed and the report submitted thereon not later than the end of the third fiscal year beginning after the enactment of this paragraph. Such report shall include a discussion of management alternatives for the river if it were to be included in the national wild and scenic river system.".

(d)(1) At the earliest practicable date following the enactment of this Act, but not later than 45 days after enactment, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall establish the Farmington River Study Committee (hereinafter in this subsection referred to as the "Committee"). The Secretary shall consult with the Committee on a regular basis during the conduct of the study. Membership on the Committee shall consist of 17 members appointed by the Secretary as follows:

(A) One member shall be appointed by the Secretary.

(B) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the State of Connecticut.

(C) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the Commonwealth of Massachusetts.

(D) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Farmington River Watershed Association.

(E) One member shall be appointed by the Secretary from each of the 8 towns located along the West Branch of the river. The governing body of each of the 8 towns shall provide a list of candidates to the Secretary from which the 8 appointments under this paragraph shall be made.

(F) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Metropolitan District Commission of Hartford, Connecticut.

(2) The members of the Committee shall elect a chairman, vice chairman, and recording secretary from the membership at the first official meeting of the Committee. Official minutes shall be kept of each regular and special meeting of the Committee and shall be open for public inspection.

(3) Any vacancy on the Committee shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Vacancies in the membership of the Committee shall not affect its power to function if there remain sufficient members to constitute a quorum under paragraph (4) of this subsection.

(4) A majority of the members of the Committee shall constitute a quorum for all meetings.

(5) The Committee shall advise the Secretary in conducting the study of the Farmington River segment specified in section 5(a)( ) of the Wild and Scenic Rivers Act. The Committee also shall advise the Secretary concerning management alternatives should the river be included in the wild and scenic rivers system.

(6) Members of the Committee shall serve without compensation but may be compensated for reasonable and necessary expenses incurred by them in the performance of their duties as members of the Committee.

(7) The Committee may accept and utilize the services of voluntary, uncompensated personnel.

(8) The Committee shall terminate on the later of the following:

(A) The completion of the river study of the Farmington River described in section 5(a)( ) of the Wild and Scenic Rivers Act.

(B) The publication of management alternatives should the river be included in the wild and scenic rivers system

(e) As used in this Act (other than in subsection (b)) the term River" means the segments of the Farmington River described in paragraph ( ) of section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)).

"(f) There are authorized to be appropriated up to $150,000 to carry out the purposes of this Act.

Purpose of the Measure

S. 1946, as reported, would designate two segments of the West Branch of the Farmington River in Connecticut and Massachusetts for study as potential components of the Wild and Scenic Rivers System.

Background and Need

The Nationwide Rivers Inventory published by the National Park Service in 1982 identified the two segments of the Farmington River to be studied under S. 1946 as potential additions to the Wild and Scenic Rivers System. The two segments, which include 7 miles in Connecticut and 11 miles in Massachusetts, were noted for their white-water rapids for recreational river running and the Atlantic salmon fishery, which is being restored.

S. 1946 designates the two segments of the West Branch of the Farmington River for study for possible inclusion in the Wild and Scenic Rivers System. The study is to be completed and the report submitted not later than the end of the third fiscal year after enactment. The bill also establishes a 15-member study committee to cooperate with and appointed by the Secretary of the Interior to develop resource and other information required in the study.

The bill authorizes up to $150,000 to complete the study.

Legislative History

S. 1946 was introduced by Senator Weicker and Senator Dodd on December 13, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on S. 1946 on April 11, 1986. A similar study was approved by the House of Representatives on April 8, 1986, as a provision in H.R. 4350.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered S. 1946, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass S. 1946, if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski*	
Mr. Nickles	
Mr. Hecht	
Mr. Evans*	

Mr. Johnston
Mr. Bumpers
Mr. Ford
Mr. Metzenbaum*
Mr. Bradley*
Mr. Bingaman*
Mr. Rockefeller*

*Indicates vote by proxy.

The Committee amendment to S. 1946 was in the nature of a substitute. The amendment redefines the appointment authority for membership on the Farmington River Study Committee and makes the Secretary of the Interior the appointing authority. The West Branch of the Farmington River would be added to the list of study rivers in section 5(a) of the Wild and Scenic Rivers Act. The amendment authorizes an appropriation of up to $150,000 for the study.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 22, 1986.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources, United States Senate, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1946, a bill to designate the West Branch of the Farmington River as a study area for inclusion in the national wild and scenic rivers system, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, July 16, 1986.

S. 1946 would authorize a study of the West Branch of the Farmington River for possible inclusion in the national wild and scenic rivers system and would establish a 17-member Farmington River Study Committee in connection with the proposed study. The bill authorizes the appropriation of up to $150,000 to carry out the study and pay study committee expenses. Assuming appropriation of the full amount authorized, costs to the federal government would be $150,000 over the 1987–1989 period.

Enactment of the bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following eval-

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uation of the regulatory impact which would be incurred in carrying out S. 1946. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1946, as reported.

Executive Communications

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 1946 is set forth below:

U.S. Department of the Interior,
Office of the Secretary,
Washington, DC, July 23, 1986.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: This responds to your request for our views on S. 1946, a bill "To designate the West Branch of the Farmington River as a study area for inclusion in the national wild and scenic rivers system, and for other purposes."

We have no objection to the enactment of S. 1946, if the bill is amended as suggested herein.

S. 1946 would designate two segments of the West Branch of the Farmington River in Connecticut and Massachusetts for study as potential components of the Wild and Scenic Rivers System. A suitability report to the President by the Secretary of the Interior would be required within three complete fiscal years of enactment. Section 4 of the bill would require, as a part of the study, separate and detailed analyses of management alternatives. Section 5 would establish a 15-member study committee to cooperate with the Secretary.

The two segments to be studied under S. 1946—seven miles in Connecticut and 11 miles in Massachusetts—were identified as segments that would potentially qualify for the national system in the Nationwide Rivers Inventory published by the National Park Service in 1982. Among the river values identified in the inventory were white-water rapids for recreational river running and the Atlantic salmon fishery, which is being restored.

Section 4(a) of the Wild and Scenic Rivers Act directs the Secretary of the Interior to study and submit to the President a report on the suitability for addition to the national system of river segments designated by the Congress. Such reports must show the characteristics of the area, status of land ownership and use, potential uses that would be enhanced, foreclosed, or curtailed, and the extent, including costs, of any proposed State and local administration. Section 4(b) of the Act requires the Secretary to submit the proposed suitability report to the State or States in which the river segments are located and to include any resulting comments or recommendations in the transmittal of the report to the President and

the Congress. We believe these requirements are adequate to provide information on the impacts of including a potential river segment in the national system. The detailed analyses required in section 4 of S. 1946 are therefore redundant, and we recommend that section 4 be deleted.

We also recommend that section 5, which establishes a Farmington River Study Committee, be deleted. The members of the committee would be appointed by State and local government officials, except for one member appointed by the Secretary. We believe the requirements of section 4 of the Wild and Scenic Rivers Act, referred to above, are adequate to assure the concerns of State and local governments are addressed in the study. Further, to the extent that this is proposed to be a Federal committee, its members should be appointed by the Secretary.

We have no estimate of the cost of a study under the bill if it is amended as we recommend. However, for the past several years we have provided technical assistance to communities along the Farmington River that are interested in non-Federal management options for the river resource. This assistance has been in the form of identifying resources and management options, and the results of much of this work can be used in the study proposed in S. 1946. Accordingly, we believe that any additional funds required will be minimal.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1946, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

Public Law 90-542 (82 Stat. 906)

SEC. 5(a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) * * *

* * * * * * *

(90) The North Umpqua, Oregon; The segment from the Soda Springs Powerhouse to the confluence of Rock Creek. The provisions of section 7(a) shall apply to tributary Steamboat Creek in the same manner as such provisions apply to the rivers referred to in such section 7(a). The Secretary of Agriculture shall, in the Umpqua National Forest plan, provide that management practices

for Steamboat Creek and its immediate environment conserve, protect, and enhance the anadromous fish habitat and population.

( ) FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS.—The segment from the intersection of the New Hartford-Canton, Connecticut, town line upsteam to the base of the West Branch Reservoir in Hartland, Connecticut; and the segment from the confluence with Thorp Brook in Sandisfield, Massachusetts, to Hayden Pond in Otis, Massachusetts.

SEC. 5(b)

(1) * * *

* * * * * * *

(6) Studies of rivers listed in paragraphs (80) and (81) shall be completed, and reports submitted within and not later than the time when the Bristol Bay Cooperative Region Plan is submitted to Congress in accordance with section 1204 of the Alaska National Interest Lands Conservation Act.

(7) The study of the West Branch of the Farmington River identified in paragraph ( ) of subsection (a) shall be completed and the report submitted thereon not later than the end of the third fiscal year beginning after the enactment of this paragraph. Such report shall include a discussion of management alternatives for the river if it were to be included in the national wild and scenic river system.

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